

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 50
OFFERED BY MR. EHLERS OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Oceanic and
3 Atmospheric Administration Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) The term “Administration” means the Na-
7 tional Oceanic and Atmospheric Administration.

8 (2) The term “Administrator” means the Ad-
9 ministrator of the National Oceanic and Atmos-
10 pheric Administration.

11 (3) The term “Secretary” means the Secretary
12 of Commerce.

13 SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-
14 TRATION.

15 (a) IN GENERAL.—There shall be in the Department
16 of Commerce an agency known as the National Oceanic
17 and Atmospheric Administration.

1 (b) MISSION.—The mission of the Administration is
2 to understand the systems of the Earth's oceans and at-
3 mosphere and predict changes in the Earth's oceans and
4 atmosphere and the effects of such changes on the land
5 environment, to conserve and manage coastal, ocean, and
6 Great Lakes ecosystems to meet national economic, social,
7 and environmental needs, and to educate the public about
8 these topics.

9 (c) FUNCTIONS.—The functions of the Administra-
10 tion shall include—

11 (1) collecting, through observation and other
12 means, communicating, analyzing, processing, and
13 disseminating comprehensive scientific data and in-
14 formation about weather and climate, solar and geo-
15 physical events on the Sun and in the space environ-
16 ment, and about the coasts, oceans, Great Lakes,
17 upper reaches of estuaries, and hydrologic systems;

18 (2) operating and maintaining a system for the
19 storage, retrieval, and dissemination of data relating
20 to weather and climate, solar and geophysical events
21 on the Sun and in the space environment, and about
22 the coasts, oceans, Great Lakes, upper reaches of es-
23 tuaries, and hydrologic systems;

1 (3) using observational data and technologies
2 developed by other Federal agencies to improve the
3 Administration's operations;

4 (4) conducting and supporting basic and ap-
5 plied research, development, and technology transfer
6 as may be necessary to carry out the mission de-
7 scribed in subsection (b);

8 (5) issuing weather, water, climate, space
9 weather, tsunami, and other forecasts and warnings
10 related to Earth's oceans and atmosphere;

11 (6) coordinating efforts of Federal agencies
12 with respect to meteorological services;

13 (7) understanding the science of Earth's cli-
14 mate and related systems, and undertaking research
15 and development to enhance society's ability to plan
16 for and respond to climate variability and change;

17 (8) protecting, restoring, and managing the use
18 of, the coasts, oceans, and Great Lakes through eco-
19 system-based research, development, demonstration,
20 and management;

21 (9) administering public outreach and education
22 programs and services to increase scientific and en-
23 vironmental literacy about weather and climate,
24 solar and geophysical events on the Sun and in the
25 space environment, and the coasts, oceans, Great

1 Lakes, upper reaches of estuaries, and hydrologic
2 systems;

3 (10) providing, as appropriate and in coopera-
4 tion with the Secretary of State, representation at
5 all international meetings and conferences relating
6 to the mission of the Administration, including mete-
7 orological, climate, and Earth and ocean observing
8 issues;

9 (11) any other function assigned to the Admin-
10 istration by law; and

11 (12) such other functions as are necessary to
12 accomplish the mission described in subsection (b).

13 **SEC. 4. ADMINISTRATION LEADERSHIP.**

14 (a) ADMINISTRATOR.—

15 (1) IN GENERAL.—There shall be, as the Ad-
16 ministrator of the Administration, an Under Sec-
17 retary of Commerce for Oceans and Atmosphere.
18 The Administrator shall be appointed by the Presi-
19 dent, by and with the advice and consent of the Sen-
20 ate. The Administrator shall be paid at the rate of
21 basic pay for level III of the Executive Schedule.

22 (2) FUNCTIONS.—The Administrator shall be
23 responsible for—

24 (A) general management;

25 (B) policy development and guidance;

1 (C) budget formulation, guidance, and exe-
2 cution;

3 (D) serving as the Department of Com-
4 merce official for all ocean and atmosphere
5 issues with other elements of the Department of
6 Commerce and with other Federal agencies,
7 State, tribal, and local governments, and the
8 public; and

9 (E) such other duties with respect to the
10 Administration as the Secretary may prescribe.

11 (3) DELEGATION OF AUTHORITY.—The Admin-
12 istrator may, except as otherwise prohibited by
13 law—

14 (A) delegate any functions, powers, or du-
15 ties of the Administrator to such officers and
16 employees of the Administration as the Admin-
17 istrator may designate; and

18 (B) authorize such successive redelegations
19 of such functions, powers, or duties within the
20 Administration as the Administrator considers
21 necessary or appropriate.

22 (4) AUTHORITIES.—

23 (A) IN GENERAL.—As may be necessary or
24 proper to carry out the Administration's func-

1 tions under this Act or as otherwise provided by
2 law, the Administrator may—

3 (i) promulgate rules and regulations;

4 (ii) enter into and perform contracts,
5 leases, grants, and cooperative agreements
6 with Federal agencies, State and local gov-
7 ernments, Indian tribes, international or-
8 ganizations, foreign governments, edu-
9 cational institutions, nonprofit organiza-
10 tions, and commercial organizations;

11 (iii) use, with their consent, and with
12 or without reimbursement, the services,
13 equipment, personnel, and facilities of
14 other departments, agencies, and instru-
15 mentalities of the Federal Government;
16 and

17 (iv) conduct education and outreach
18 in direct support of the mission described
19 in section 3(b).

20 (B) EXCEPTION.—The authorities con-
21 ferred on the Administrator by this paragraph
22 do not include the authority to contract for
23 services that are an inherently governmental
24 function as defined in section 5 of the Federal

1 Activities Inventory Reform Act of 1998 (31
2 U.S.C. 501 note).

3 (b) ASSISTANT SECRETARY FOR OCEANS AND AT-
4 MOSPHERE.—

5 (1) IN GENERAL.—There shall be, as Deputy
6 Administrator of the Administration, an Assistant
7 Secretary of Commerce for Oceans and Atmosphere.
8 The Assistant Secretary shall be appointed by the
9 President, by and with the advice and consent of the
10 Senate. The Assistant Secretary shall be the Admin-
11 istrator's first assistant for purposes of subchapter
12 III of chapter 33 of title 5, United States Code. The
13 Assistant Secretary shall be paid at the rate of basic
14 pay for level IV of the Executive Schedule.

15 (2) FUNCTIONS.—The Assistant Secretary shall
16 perform such functions and exercise such powers as
17 the Administrator may prescribe and shall act as
18 Administrator during the absence or disability of the
19 Administrator or in the event of a vacancy in the of-
20 fice of Administrator.

21 (c) DEPUTY UNDER SECRETARY FOR OCEANS AND
22 ATMOSPHERE.—

23 (1) IN GENERAL.—There shall, be as the Chief
24 Operating Officer of the Administration, a Deputy
25 Under Secretary of Commerce for Oceans and At-

1 mosphere. The Deputy Under Secretary shall be ap-
2 pointed by the Secretary. The position of Deputy
3 Under Secretary shall be a Senior Executive Service
4 position authorized under section 3133 of title 5,
5 United States Code.

6 (2) FUNCTIONS.—The Deputy Under
7 Secretary—

8 (A) shall ensure the timely and effective
9 implementation of Administration policies and
10 objectives;

11 (B) shall be responsible for all aspects of
12 the Administration's operations and manage-
13 ment, including budget, financial operations, in-
14 formation services, facilities, human resources,
15 procurements, and associated services;

16 (C) in the absence or disability of the As-
17 sistant Secretary, or in the event of a vacancy
18 in such position, shall act in that position; and

19 (D) shall perform such other duties as the
20 Administrator shall prescribe.

21 (d) DEPUTY ASSISTANT SECRETARY FOR SCIENCE
22 AND EDUCATION.—

23 (1) IN GENERAL.—There shall be in the Admin-
24 istration a Deputy Assistant Secretary for Science
25 and Education who shall coordinate and oversee the

1 science and education activities of the Administra-
2 tion and their application to Administration deci-
3 sions and operations. The Deputy Assistant Sec-
4 retary for Science and Education shall be appointed
5 by the Secretary. The position of Deputy Assistant
6 Secretary for Science and Education shall be a Sen-
7 ior Executive Service career reserved position as de-
8 fined in section 3132(a)(8) of title 5, United States
9 Code.

10 (2) FUNCTIONS.—The Deputy Assistant Sec-
11 retary for Science and Education shall—

12 (A) coordinate research and development
13 activities across the Administration;

14 (B) review the Administration's annual
15 budget to ensure that funding for research and
16 development is adequate, properly focused, and
17 carried out by the appropriate entities across
18 the Administration;

19 (C) advise the Administrator on how re-
20 search results can be applied to operational use;

21 (D) advise the Administrator regarding
22 science issues and their relationship to Adminis-
23 tration policies, procedures, and decisions;

24 (E) participate in developing the Adminis-
25 tration's strategic plans and policies and review

1 the science and education aspects of those plans
2 and policies;

3 (F) serve as liaison to the nongovern-
4 mental science community;

5 (G) develop and oversee guidelines for peer
6 review of research sponsored or conducted by
7 the Administration;

8 (H) oversee implementation of the stra-
9 tegic plan for research and development re-
10 quired under section 9(b);

11 (I) oversee management of laboratories in
12 the Administration;

13 (J) oversee the research and education
14 programs of the Administration; and

15 (K) perform such other duties as the Ad-
16 ministrator shall prescribe.

17 (3) QUALIFICATIONS.—An individual appointed
18 under paragraph (1) shall be a person who has an
19 outstanding science and education background, in-
20 cluding research accomplishments, scientific reputa-
21 tion, and public policy experience.

22 (4) CONSULTATION.—Before appointing an in-
23 dividual under paragraph (1), the Secretary shall
24 consult with the National Academy of Sciences, the

1 Science Advisory Board of the Administration, and
2 other appropriate scientific organizations.

3 (e) DEPUTY ASSISTANT SECRETARIES.—There may
4 be in the Administration no more than two additional
5 Deputy Assistant Secretaries whose duties may be des-
6 ignated by the Administrator. The Deputy Assistant Sec-
7 retaries shall be appointed by the Secretary. The positions
8 of Deputy Assistant Secretaries shall be Senior Executive
9 Service positions authorized under section 3133 of title 5,
10 United States Code.

11 (f) GENERAL COUNSEL.—

12 (1) IN GENERAL.—There shall be in the Admin-
13 istration a General Counsel. The General Counsel
14 shall be appointed by the Secretary. The General
15 Counsel shall be paid at the rate of basic pay for
16 level V of the Executive Schedule.

17 (2) FUNCTIONS.—The General Counsel—

18 (A) shall serve as the chief legal officer of
19 the Administration for all legal matters that
20 arise in connection with the conduct of the
21 functions of the Administration; and

22 (B) shall perform such other functions and
23 exercise such powers as the Administrator may
24 prescribe.

1 (g) CONTINUATION OF SERVICE.—Any individual
2 serving on the effective date of this Act in a position pro-
3 vided for in this Act may continue to serve in that position
4 until a successor is appointed under this Act. Nothing in
5 this Act shall be construed to require the appointment of
6 a successor under this Act sooner than would have been
7 required under law as in effect before the effective date
8 of this Act.

9 **SEC. 5. NATIONAL WEATHER SERVICE.**

10 (a) IN GENERAL.—The Secretary shall maintain
11 within the Administration the National Weather Service.

12 (b) MISSION.—The mission of the National Weather
13 Service is to provide weather, water, climate, tsunami, and
14 space weather forecasts and warnings for the United
15 States, its territories, adjacent waters, and ocean areas for
16 the protection of life and property and the enhancement
17 of the national economy. In carrying out the mission of
18 the National Weather Service, the Administrator shall en-
19 sure that the National Weather Service—

20 (1) provides timely and accurate weather,
21 water, climate, tsunami, and space weather fore-
22 casts; and

23 (2) provides timely and accurate warnings of
24 natural hazards related to weather, water, climate,
25 and tsunamis, and of space weather hazards.

1 (c) FUNCTIONS.—The functions of the National
2 Weather Service shall include—

3 (1) maintaining a network of local weather fore-
4 cast offices;

5 (2) maintaining a network of observation sys-
6 tems to collect weather and climate data;

7 (3) operating national centers to deliver guid-
8 ance, forecasts, warnings, and analysis about weath-
9 er, water, climate, tsunami, and space weather phe-
10 nomena for the Administration and the public;

11 (4) conducting and supporting applied research
12 to facilitate the rapid incorporation of weather and
13 climate science advances into operational tools; and

14 (5) other functions to serve the mission of the
15 National Weather Service described in subsection
16 (b).

17 **SEC. 6. OPERATIONS AND SERVICES.**

18 (a) IN GENERAL.—The Secretary shall maintain
19 within the Administration programs to support efforts, on
20 a continuing basis, to collect data and provide information
21 and products regarding satellites, observations, and coast-
22 al, ocean and Great Lakes information.

23 (b) FUNCTIONS.—To accomplish the mission de-
24 scribed in section 3(b), and in addition to the functions

1 described in section 3(c), the operations and service as-
2 pects of the Administration shall include—

3 (1) acquiring, managing, and operating coastal,
4 ocean, and Great Lakes observing systems;

5 (2) contributing to the operation of a global
6 Earth-observing system;

7 (3) integrating Administration remote sensing
8 and in situ assets that provide critical data needed
9 to support the mission of the Administration, and
10 providing that data to decisionmakers and the pub-
11 lic;

12 (4) developing, acquiring, and managing oper-
13 ational environmental satellite programs and associ-
14 ated ground control and data acquisition and deliv-
15 ery facilities to support the mission of the Adminis-
16 tration;

17 (5) managing and distributing atmospheric,
18 geophysical, and marine data and data products for
19 the Administration through national environmental
20 data centers;

21 (6) providing for long-term stewardship of envi-
22 ronmental data, products, and information via data
23 processing, storage, reanalysis, reprocessing, and ar-
24 chive facilities;

1 (7) issuing licenses for private remote sensing
2 space systems under the Land Remote Sensing Pol-
3 icy Act of 1992;

4 (8) administering a national water level obser-
5 vation network, which shall include monitoring of
6 the Great Lakes;

7 (9) providing charts and other information for
8 safe navigation of the oceans and inland waters, as
9 provided by law;

10 (10) maintaining a fleet of ships and aircraft to
11 support the mission of the Administration; and

12 (11) such other operations and services func-
13 tions to serve the mission of the Administration as
14 the Administrator may prescribe.

15 **SEC. 7. RESEARCH AND EDUCATION.**

16 (a) IN GENERAL.—The Secretary shall maintain
17 within the Administration programs to conduct and sup-
18 port research and education and the development of tech-
19 nologies relating to weather, climate, and the coasts,
20 oceans, and Great Lakes.

21 (b) FUNCTIONS.—To accomplish the mission de-
22 scribed in section 3(b), and in addition to the functions
23 described in section 3(c), the research and education as-
24 pects of the Administration shall include—

1 (1) conducting and supporting research and de-
2 velopment to improve the Administration's capabili-
3 ties to collect, through observation and otherwise,
4 communicate, analyze, process, and disseminate
5 comprehensive scientific data and information about
6 weather, climate, and the coasts, oceans, and Great
7 Lakes;

8 (2) improving ecological prediction and manage-
9 ment capabilities through ecosystem-based research
10 and development;

11 (3) contributing information on the Earth's cli-
12 mate and related systems, obtained through research
13 and observation, that addresses questions con-
14 fronting policymakers, resources managers, and
15 other users;

16 (4) reducing uncertainty in projections of how
17 the Earth's climate and related systems may change
18 in the future;

19 (5) fostering the public's ability to understand
20 and integrate scientific information into consider-
21 ations of national environmental issues through edu-
22 cation and public outreach activities;

23 (6) administering the National Sea Grant Col-
24 lege Program Act;

1 (7) conducting and supporting research and de-
2 velopment of technology for exploration of the
3 oceans;

4 (8) maintaining a system of laboratories to per-
5 form the functions described in this subsection;

6 (9) supporting extramural peer-reviewed com-
7 petitive grant programs to assist the Administration
8 in performing the functions described in this sub-
9 section; and

10 (10) such other research, development, edu-
11 cation, and outreach functions to serve the mission
12 of the Administration as the Administrator may pre-
13 scribe.

14 **SEC. 8. SCIENCE ADVISORY BOARD.**

15 (a) IN GENERAL.—There shall be within the Admin-
16 istration a Science Advisory Board, which shall provide
17 such scientific advice as may be requested by the Adminis-
18 trator, the Committee on Commerce, Science and Trans-
19 portation of the Senate, or the Committee on Science or
20 on Resources of the House of Representatives.

21 (b) PURPOSE.—The purpose of the Science Advisory
22 Board is to advise the Administrator and Congress on
23 long-range and short-range strategies for research, edu-
24 cation, and the application of science to resource manage-
25 ment and environmental assessment and prediction.

1 (c) MEMBERS.—

2 (1) IN GENERAL.—The Science Advisory Board
3 shall be composed of at least 15 members appointed
4 by the Administrator. Each member of the Board
5 shall be qualified by education, training, and experi-
6 ence to evaluate scientific and technical information
7 on matters referred to the Board under this section.

8 (2) TERMS OF SERVICE.—Members shall be ap-
9 pointed for 3-year terms, renewable once, and shall
10 serve at the discretion of the Administrator. An indi-
11 vidual serving a term as a member of the Science
12 Advisory Board on the date of enactment of this Act
13 may complete that term, and may be reappointed
14 once for another term of 3 years unless the term
15 being served on such date of enactment is the second
16 term served by that individual. Vacancy appoint-
17 ments shall be for the remainder of the unexpired
18 term of the vacancy, and an individual so appointed
19 may subsequently be appointed for 2 full 3-year
20 terms if the remainder of the unexpired term is less
21 than one year.

22 (3) CHAIRPERSON.—The Administrator shall
23 designate a chairperson from among the members of
24 the Board.

1 (4) APPOINTMENT.—Members of the Science
2 Advisory Board shall be appointed as special Gov-
3 ernment employees, within the meaning given such
4 term in section 202(a) of title 18, United States
5 Code.

6 (d) ADMINISTRATIVE PROVISIONS.—

7 (1) REPORTING.—The Science Advisory Board
8 shall report to the Administrator and the appro-
9 priate requesting party.

10 (2) ADMINISTRATIVE SUPPORT.—The Adminis-
11 trator shall provide administrative support to the
12 Science Advisory Board.

13 (3) MEETINGS.—The Science Advisory Board
14 shall meet at least twice each year, and at other
15 times at the call of the Administrator or the Chair-
16 person.

17 (4) COMPENSATION AND EXPENSES.—A mem-
18 ber of the Science Advisory Board shall not be com-
19 pensated for service on such board, but may be al-
20 lowed travel expenses, including per diem in lieu of
21 subsistence, in accordance with subchapter I of
22 chapter 57 of title 5, United States Code.

23 (5) SUBCOMMITTEES.—The Science Advisory
24 Board may establish such subcommittees of its
25 members as may be necessary. The Science Advisory

1 Board may establish task forces and working groups
2 consisting of Board members and outside experts as
3 may be necessary.

4 (e) EXPIRATION.—Section 14 of the Federal Advisory
5 Committee Act (5 U.S.C. App.) shall not apply to the
6 Science Advisory Board.

7 **SEC. 9. REPORTS.**

8 (a) REPORT ON DATA MANAGEMENT, ARCHIVAL,
9 AND DISTRIBUTION.—

10 (1) CONTENTS.—Not later than 1 year after
11 the date of enactment of this Act, and once every 5
12 years thereafter, the Administrator shall do the fol-
13 lowing:

14 (A) Enter into an arrangement with the
15 National Academy of Sciences to review the en-
16 vironmental data and information systems of
17 the Administration and to provide recommenda-
18 tions to address any inadequacies identified by
19 the review. The review shall assess the adequacy
20 of the environmental data and information sys-
21 tems of the Administration to—

22 (i) provide adequate capacity to man-
23 age, archive and disseminate environmental
24 information collected and processed, or ex-
25 pected to be collected and processed, by

1 the Administration, including data gath-
2 ered by other agencies that is processed or
3 stored by the Administration;

4 (ii) establish, develop, and maintain
5 information bases, including necessary
6 management systems, which will provide
7 for consistent, efficient, and compatible
8 transfer and use of data;

9 (iii) develop effective interfaces among
10 the environmental data and information
11 systems of the Administration and other
12 appropriate departments and agencies;

13 (iv) develop and use nationally accept-
14 ed formats and standards for data col-
15 lected by various national and international
16 sources;

17 (v) integrate and interpret data from
18 different sources to produce information
19 that can be used by decisionmakers in de-
20 veloping policies that effectively respond to
21 national and global environmental con-
22 cerns; and

23 (vi) reanalyze and reprocess the
24 archived data as better science is developed
25 to integrate diverse data sources.

1 (B) Develop a strategic plan, with respect
2 to the environmental data and information sys-
3 tems of the Administration, to—

4 (i) respond to each of the rec-
5 ommendations in the review conducted
6 under subparagraph (A);

7 (ii) set forth modernization and im-
8 provement objectives for an integrated na-
9 tional environmental data access and ar-
10 chive system for the 10-year period begin-
11 ning with the year in which the plan is
12 transmitted, including facility requirements
13 and critical new technology components
14 that would be necessary to meet the objec-
15 tives set forth;

16 (iii) propose specific Administration
17 programs and activities for implementing
18 the plan;

19 (iv) identify the data and information
20 management, reanalysis, reprocessing, ar-
21 chival, and distribution responsibilities of
22 the Administration with respect to other
23 Federal departments and agencies and
24 international organizations; and

1 (v) provide an implementation sched-
2 ule and estimate funding levels necessary
3 to achieve modernization and improvement
4 objectives.

5 (2) TRANSMITTAL TO CONGRESS.—Not later
6 than 18 months after the date of enactment of this
7 Act, the Administrator shall transmit to the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Science of the
10 House of Representatives the initial review and stra-
11 tegic plan developed under paragraph (1). Subse-
12 quent reviews and strategic plans developed under
13 paragraph (1) shall also be transmitted to those
14 committees upon completion.

15 (b) STRATEGIC PLAN FOR RESEARCH AND DEVELOP-
16 MENT.—

17 (1) CONTENTS.—Not later than 1 year after
18 the date of enactment of this Act, and once every 5
19 years thereafter, the Administrator shall develop a
20 strategic plan for research and development at the
21 Administration. The plan shall include—

22 (A) an assessment of the science and tech-
23 nology needs of the Administration based on
24 the Administration's operational requirements
25 and on input provided by external stakeholders

1 at the national, regional, State, and local levels;
2 and

3 (B) a strategic plan that assigns specific
4 programs within the administration the respon-
5 sibility to meet each need identified under sub-
6 paragraph (A) and that describes the extent to
7 which each need identified in subparagraph (A)
8 will be addressed through—

9 (i) intramural research;

10 (ii) extramural, peer reviewed, com-
11 petitive grant programs; and

12 (iii) work done in cooperation with
13 other Federal agencies.

14 (2) NATIONAL ACADEMY OF SCIENCES RE-
15 VIEW.—The Administrator shall enter into an ar-
16 rangement with the National Academy of Sciences
17 for a review of the plan developed under paragraph
18 (1).

19 (3) TRANSMITTAL TO CONGRESS.—Not later
20 than 18 months after the date of enactment of this
21 Act, the Administrator shall transmit to the Com-
22 mittee on Commerce, Science, and Transportation of
23 the Senate and the Committee on Science of the
24 House of Representatives the initial strategic plan
25 developed under paragraph (1) and the review pre-

1 pared pursuant to paragraph (2). Subsequent stra-
2 tegic plans developed under paragraph (1) shall also
3 be transmitted to those committees upon completion.

4 **SEC. 10. PUBLIC-PRIVATE PARTNERSHIPS.**

5 Not less than once every 5 years, the Secretary shall
6 develop and submit to Congress a policy that defines proc-
7 esses for making decisions about the roles of the Adminis-
8 tration, the private sector, and the academic community
9 in providing environmental information, products, tech-
10 nologies, and services. The first such submission shall be
11 completed not less than 3 years after the date of enact-
12 ment of this Act. At least 90 days before each submission
13 of the policy to Congress, the Secretary shall publish the
14 policy in the Federal Register for a public comment period
15 of not less than 60 days. Nothing in this section shall be
16 construed to require changes in the policy in effect on the
17 date of enactment of this Act.

18 **SEC. 11. EFFECT OF REORGANIZATION PLAN.**

19 Reorganization Plan No. 4 of 1970 shall have no fur-
20 ther force and effect.

21 **SEC. 12. SAVINGS PROVISION.**

22 All rules and regulations, determinations, standards,
23 contracts, including collective bargaining agreements, cer-
24 tifications, authorizations, appointments, delegations, re-
25 sults and findings of investigations, and other actions duly

1 issued, made, or taken by or pursuant to or under the
2 authority of any statute or executive order which resulted
3 in the assignment of functions or activities to the Sec-
4 retary, the Department of Commerce, the Under Secretary
5 of Commerce for Oceans and Atmosphere, the Adminis-
6 trator, or any other officer of the Administration, that is
7 in effect immediately before the date of enactment of this
8 Act, shall continue in full force and effect after the effec-
9 tive date of this Act until modified or rescinded. All suits,
10 appeals, judgments, and proceedings pending on such ef-
11 fective date relating to responsibilities or functions trans-
12 ferred pursuant to this Act shall continue without regard
13 to such transfers, except for the transfer of responsibilities
14 or functions. Any reference in law to a responsibility, func-
15 tion, or office transferred pursuant to this Act shall be
16 deemed to refer to the responsibility, function, or office
17 as so transferred. Nothing in this Act shall be construed
18 to limit the ability of an Administration employee to dis-
19 cuss scientific research performed by that employee. Noth-
20 ing in this Act shall be construed to alter the responsibil-
21 ities or authorities of any other Federal agency. Nothing
22 in this Act shall be construed to authorize or prohibit the
23 transfer of any program, function, or project from other
24 Federal agencies to the Administration.

1 **SEC. 13. REORGANIZATION PLAN.**

2 (a) SCHEDULE.—(1) Not later than 18 months after
3 the date of enactment of this Act, the Administrator shall
4 develop a reorganization plan for the Administration in
5 accordance with this section and shall publish the plan in
6 the Federal Register. The Federal Register notice shall
7 solicit comments for a period of 60 days.

8 (2) Not later than 90 days after the expiration date
9 of the comment period described in paragraph (1), the Ad-
10 ministrator shall transmit to Congress a revised version
11 of the plan that takes into account the comments received.
12 The Administrator shall also publish the revised plan in
13 the Federal Register. The Administrator shall transmit
14 and publish, along with the plan, an explanation of how
15 the Administrator dealt with each issue raised by the com-
16 ments received.

17 (3) The Administrator shall implement the plan 60
18 days after the plan has been transmitted to the Congress.

19 (b) CONTENT.—The plan, to the greatest extent prac-
20 ticable, shall—

21 (1) consistent with section 5 and the other pro-
22 visions of this Act, maximize the efficiency with
23 which the administration carries out the functions
24 of—

25 (A) operations and services;

26 (B) research and education; and

1 (C) resource management;

2 (2) improve the sharing of research and other
3 information that is of use across programmatic
4 themes; and

5 (3) eliminate duplication of effort or overlap-
6 ping efforts among offices.

7 (c) CONSULTATION.—In developing the plan, the Ad-
8 ministrator shall consult with interested parties, including
9 the States, academia, industry, conservation organiza-
10 tions, and Administration employees.

11 **SEC. 14. FACILITY EVALUATION PROCESS.**

12 (a) PUBLIC NOTIFICATION AND ASSESSMENT PROC-
13 ESS.—

14 (1) IN GENERAL.—The Administrator shall not
15 close, consolidate, relocate, subdivide, or establish a
16 facility of the Administration, unless and until the
17 Administrator has followed the procedures required
18 by this section.

19 (2) REVIEW PROCESS.—The Administrator
20 shall not close, consolidate, relocate, subdivide, or es-
21 tablish a facility of the Administration with an an-
22 nual operating budget of \$5,000,000 or greater, or
23 a National Weather Service field office, unless and
24 until—

1 (A) the Administrator has published in the
2 Federal Register the proposed action and a de-
3 scription of the offices, personnel, and activities
4 of the Administration that would be affected by
5 the proposed change, and has provided for a
6 minimum of 60 days for public comment;

7 (B) if the proposed change involves a
8 science facility of the Administration, the
9 Science Advisory Board has reviewed the pro-
10 posed change and provided to the Administrator
11 written findings regarding the proposed change;

12 (C) if the proposed change involves a Na-
13 tional Weather Service field office, the Adminis-
14 trator has prepared a report including—

15 (i) a description of local weather char-
16 acteristics and weather-related concerns
17 which affect the weather services provided
18 within the service area;

19 (ii) a detailed comparison of the serv-
20 ices provided within the service area and
21 the services to be provided after the pro-
22 posed change;

23 (iii) a description of any recent or ex-
24 pected modernization of National Weather

1 Service operations which will enhance serv-
2 ices in the service area;

3 (iv) an identification of any area with-
4 in any State which would not receive cov-
5 erage (at an elevation of 10,000 feet) due
6 to the proposed change; and

7 (iv) evidence, based on operational
8 demonstration of National Weather Service
9 operations, which was considered in reach-
10 ing the conclusion that no degradation in
11 service will result from the proposed
12 change;

13 (D) the Administrator has prepared an
14 analysis of the anticipated costs and savings as-
15 sociated with the proposed facility change, in-
16 cluding both costs and savings in the first fiscal
17 year following the change, and changes in oper-
18 ations and maintenance costs and savings over
19 a ten-year period; and

20 (E) the Administrator has prepared an
21 analysis of the effects of the facility change on
22 operations and research of the Administration,
23 and the potential impacts on cooperative insti-
24 tutes, other external Administration partner-

1 ships, partnerships with other Federal agencies,
2 and any State and local partnerships.

3 (3) NOTICE TO CONGRESS.—(A) The Adminis-
4 trator shall provide to Congress, at least 90 days be-
5 fore any closure, consolidation, relocation, subdivi-
6 sion, or establishment of a facility of the Adminis-
7 tration with an annual budget of \$5,000,000 or
8 greater, or any National Weather Service field office,
9 a summary of the public comments received pursu-
10 ant to paragraph (2)(A), any written findings pre-
11 pared under paragraph (2)(B), any report prepared
12 under paragraph (2)(C), and the analyses prepared
13 under paragraph (2)(D) and (E).

14 (B) The Administrator shall provide to Con-
15 gress, at least 90 days before any closure, consolida-
16 tion, relocation, subdivision, or establishment of a
17 facility of the Administration not described in sub-
18 paragraph (A), written notification of the planned
19 closure, consolidation, relocation, subdivision, or es-
20 tablishment.

21 (b) WEATHER SERVICE MODERNIZATION.—Nothing
22 in this Act shall be construed to alter the Weather Service
23 Modernization Act (15 U.S.C. 313 note).

24 (c) DEFINITION.—For purposes of this section—

1 (1) the term “facility” means a laboratory, op-
2 erations office, administrative service center, or
3 other establishment of the Administration; and

4 (2) the term “field office” has the same mean-
5 ing given that term in section 702 of the Weather
6 Service Modernization Act.

7 **SEC. 15. BUDGET REPROGRAMMING.**

8 Whenever the Administrator transmits a budget re-
9 programming request to the Appropriations Committees
10 of the House of Representatives and the Senate, the Ad-
11 ministrator shall simultaneously submit a copy of the re-
12 quest to the Committee on Science and the Committee on
13 Resources of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate.

16 **SEC. 16. SATELLITE NOTIFICATION.**

17 (a) IN GENERAL.—The Administrator shall notify
18 the Congress—

19 (1) prior to initiating the expenditure of any
20 funds on a satellite for which the Administration
21 had not expended funds as of the date of enactment
22 of this Act;

23 (2) within 3 days whenever the Administrator
24 has reasonable cause to believe that the development
25 cost of a satellite is likely to exceed the most recent

1 baseline estimate of development costs by more than
2 15 percent;

3 (3) within 3 days whenever the Administrator
4 has reasonable cause to believe that the delivery of
5 a satellite for launch is likely to be delayed by 6
6 months or more; or

7 (4) within 3 days whenever the Administrator
8 intends to make a significant alteration to a sat-
9 ellite.

10 (b) EVALUATION.—After providing a notification
11 under subsection (a), the Administrator shall—

12 (1) have the satellite, revised cost, revised
13 schedule, or significant alteration that was the sub-
14 ject of the notice evaluated in accordance with sub-
15 section (c) by—

16 (A) a panel of experts selected by the Ad-
17 ministrator that does not include any employees
18 of the Administration; or

19 (B) an independent entity; and

20 (2) within 120 days, transmit the evaluation to
21 the Committee on Science of the House of Rep-
22 resentatives and the Committee on Commerce,
23 Science, and Transportation of the Senate, along
24 with an explanation of how the Administration will
25 provide the funds to cover the costs determined by

1 the evaluation conducted under paragraph (1) and
2 responses to any concerns raised by the evaluation.

3 (c) CRITERIA.—An evaluation conducted pursuant to
4 subsection (b)(1) shall review—

5 (1) the cost and schedule of a satellite for
6 which the Administration had not previously ex-
7 pended funds, along with the appropriateness of the
8 intended mission for the satellite and its likelihood
9 of success;

10 (2) the revised cost or delivery schedule pro-
11 posed for a satellite or the additional cost imposed
12 by a significant alteration;

13 (3) the impact on launch schedule of a proposed
14 significant alteration;

15 (4) the impact a proposed significant alteration
16 would have on the success of a satellite's original
17 mission; and

18 (5) the likelihood that the intended purpose of
19 the significant alteration would be accomplished.

20 (d) DEFINITIONS.—For the purposes of this section,
21 the term—

22 (1) “development cost” means all costs related
23 to a satellite through the launch of a satellite;

24 (2) “satellite” includes the spacecraft (but not
25 the launch vehicle), instruments, and sensors; and

- 1 (3) “significant alteration” means a change in
- 2 the objectives or capabilities of a satellite, including
- 3 the addition or removal of instruments or sensors.